

Effective 3/2/2020

20A-1-502.5 Midterm vacancy in office of United States representative.

- (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of United States representative, the governor shall, within seven days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:
 - (a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:
 - (i) a municipal general election;
 - (ii) a presidential primary election;
 - (iii) a regular primary election; or
 - (iv) a regular general election;
 - (b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the day on which the governor issues the proclamation;
 - (c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 days after the primary special congressional election described in Subsection (1)(b);
 - (d) provides each registered political party that is not a qualified political party at least 21 days, but no more than 28 days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
 - (e) for each qualified political party, provides at least 21 days, but no more than 28 days:
 - (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
 - (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
 - (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and
 - (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- (2) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
 - (a) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
 - (b) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- (3) If the Legislature does not, under Subsection (2), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).

- (4) A special congressional election to fill a vacancy in the office of United States representative will not be held if the vacancy occurs fewer than 180 days before the next regular general election.
- (5) An individual who fills a vacancy under this section shall serve until the end of the current term in which the vacancy occurs.
- (6) A vacancy in the office of United States representative does not occur unless the representative:
 - (a) has left the office; or
 - (b) submits an irrevocable letter of resignation to the governor or to the speaker of the United States House of Representatives.

Enacted by Chapter 13, 2020 General Session